

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

LONNIE EVANS, Register No. 513598,)	
)	
Plaintiff,)	
)	
v.)	No. 05-4073-CV-C-SOW
)	
J. CLANTON, et al.,)	
)	
Defendants.)	

ORDER

On April 19, 2006, the United States Magistrate Judge recommended that plaintiff's motion for summary judgment be denied, defendants' motion for summary judgment be granted and plaintiff's claims be dismissed. The parties were advised they could file written exceptions to the recommendation, pursuant to 28 U.S.C. § 636(b)(1)(C).

The court has conducted a de novo review of the record, including the exceptions filed by plaintiff on May 4, 2006. The issues raised in plaintiff's exceptions were adequately addressed in the report and recommendation. The court is persuaded that the recommendation of the Magistrate Judge is correct and should be adopted.

Inmates who file an appeal with the United States Court of Appeals for the Eighth Circuit are required to pay the full \$455.00 appellate filing fee, regardless of the outcome of the appeal. Henderson v. Norris, 129 F.3d 481, 484 (8th Cir. 1997). The filing of a notice of appeal is considered a consent by the inmate to allow prison officials to deduct an initial partial appellate filing fee and later installments from the prisoner's account.

IT IS, THEREFORE, ORDERED that the Magistrate Judge's April 19, 2006 Report and Recommendation is adopted [76]. It is further

ORDERED that plaintiff's motion for summary judgment is denied [60]. It is further

ORDERED that defendants' motion for summary judgment is granted and plaintiff's claims are dismissed [63].

/s/Scott O. Wright

SCOTT O. WRIGHT

Senior United States District Judge

Dated: May 17, 2006